

922 KAR 5:090. General adult services.

RELATES TO: KRS Chapter 209, 209A.020(6), 403.720(2), 42 U.S.C. 1397

STATUTORY AUTHORITY: KRS 194A.050(1), 209.035

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the Secretary of the Cabinet for Health and Family Services to adopt all administrative regulations necessary under applicable state laws to protect, develop, and maintain the health, personal dignity, integrity, and sufficiency of the individual citizens of the Commonwealth and necessary to operate the programs and fulfill the responsibilities vested in the cabinet. KRS 209.035 requires the Cabinet for Health and Family Services to promulgate administrative regulations to establish criteria for general adult services. This administrative regulation establishes general adult services to the extent funds are available.

Section 1. Definitions. (1) "Abuse" is defined by KRS 209.020(8).

(2) "Adult" is defined by KRS 209.020(4).

(3) "Alternate care" means a level of care licensed by the cabinet as follows:

(a) Family care home in accordance with 902 KAR 20:041;

(b) Intermediate care facility in accordance with 902 KAR 20:051;

(c) Intermediate care facility for individuals with an intellectual disability as defined by 907 KAR 1:022;

(d) Nursing facility as defined by 907 KAR 1:022;

(e) Personal care home as defined by KRS 216.750(2); and

(f) Skilled nursing facility as defined by 907 KAR 1:022 as "high intensity nursing care service".

(4) "Cabinet" is defined by KRS 209.020(2).

(5) "Caretaker" is defined by KRS 209.020(6).

(6) "Exploitation" is defined by KRS 209.020(9).

(7) "Family member" is defined by KRS 403.720(2).

(8) "General adult services" means a voluntary preventive service aimed at:

(a) Assisting an adult to attain and function at the adult's highest level of self-sufficiency and autonomy; and

(b) Maintaining the adult in the community.

(9) "Neglect" is defined by KRS 209.020(16).

Section 2. Criteria for Intake and Assessment. (1) If a cabinet worker and the adult agree, an individual eighteen (18) years of age or older shall be eligible for general adult services if the individual:

(a) Is:

1. Mentally or physically dysfunctional and not in an abuse, neglect, or exploitation situation; and

2. Requesting the service or has directed the request for the service through another individual or agency;

(b) Is a victim as defined by KRS 209A.020(6); or

(c) Requests a transitioning service from out-of-home care within twelve (12) months of release from the cabinet's commitment.

(2) An individual sixty-five (65) years of age or older shall be eligible for general adult services if the individual is:

(a) Not mentally or physically dysfunctional; and

(b) Allegedly being abused, neglected, or exploited by a:

1. Family member;
2. Household member; or
3. Caretaker.

Section 3. Time Frame. An adult services assessment shall be:

- (1) Initiated within three (3) working days of receipt of the request for services; and
- (2) Completed within forty-five (45) working days of initiation unless an extension is granted by the designated cabinet staff in a supervisory role for good cause, such as workload, pending records or collateral contact, or necessary medical evaluation.

Section 4. Service Provision. Appropriate and necessary service provision shall include:

- (1) Information and referral;
- (2) Assessment; and
- (3) Supportive and on-going services that, if required by the circumstances, include:
 - (a) Services focusing on prevention;
 - (b) Social work counseling;
 - (c) Arranging transportation; or
 - (d) Placement and movement in accordance with Section 5 of this administrative regulation.

Section 5. Placement and Movement. (1) Except under a condition pursuant to KRS Chapter 209 or 922 KAR 5:070, the cabinet shall respond to a request for placement and movement service, but shall not make the decision to place or move an adult.

(2) A cabinet worker shall assist an adult in locating and assisting in placement and movement, if:

- (a) The request for placement and movement service was made by one (1) of the following:
 1. The adult in need of services;
 2. The guardian of the adult in need of services;
 3. The holder of a durable power of attorney for the adult in need of services;
 4. The facility in which the adult in need of services is being treated if no other person is available and willing to assist;
 5. Another state agency; or
 6. A Court order;
 - (b) The adult in need of services has not been adjudicated mentally disabled;
 - (c) The adult in need of services agrees to the placement and movement service; and
 - (d) All other options have been explored and rejected.
- (3) A cabinet worker shall:
- (a) Assist a Medicaid recipient in locating placement or assistance in placement and movement; and
 - (b) Consider every available community resource that may assist the adult to remain at home or return home during the placement and movement process.
- (4) A request for a placement and movement service may result from a:
- (a) Protective services investigation in accordance with 922 KAR 5:070;
 - (b) Change in level of care;
 - (c) Normal movement into or out of an alternate care facility;
 - (d) Dissatisfaction of a resident; or
 - (e) Closure of an alternate care facility.

Section 6. Tracking information on general adult services shall be maintained by the cabinet for administrative purposes. (26 Ky.R. 1327; Am. 1579; eff. 2-1-2000; TAm eff 10-29-2004; 44

Ky.R. 830, 1361; eff. 1-5-2018.)